

DATE: [ DATE \@ "MMMM d, yyyy" ]

ECRCO

CONTACT: Lilian

Dorka/ 564-9649

*Internal deliberative pre-decisional, attorney-client privileged information, do not release without review.*

**External Civil Rights Compliance Office**

**Litigation: Pending Cases Related to Earthjustice Litigation**

**Ex. 5 AC/AWP/DP**

***1. Tallassee (Landfill), AL (EPA File # 06R-03-R4)***

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*2. Beaumont Exxon/Mobil Refinery, TX (EPA File # 01R-00-R6)*

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# Ex. 5 AC/AWP/DP

## Non-litigation: Other Pending Cases Under Investigation Needing Resolution in Next Two Weeks

- Georgia Department of Agriculture (GDA) (EPA File # 02NO-16-R4)

# Ex. 5 AC/DP

### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

# Ex. 5 AC/DP

## Non-litigation: Cases Under Jurisdictional Review (JR) Needing Action

Regulatory/ Legal Requirements: Per the EPA nondiscrimination regulation, 40 C.F.R. Part 7, when ECRCO receives correspondence that appears to be a complaint:

- ECRCO will acknowledge receipt of that correspondence within 5 days.
- ECRCO will then review the correspondence to determine if it is a complaint that falls within its jurisdiction. The Regulation requires that this jurisdictional review be completed in 20 days after date of the acknowledgement letter. To be accepted for investigation, a complaint must meet jurisdictional requirements described in the nondiscrimination regulation:
  - 1) First, it must be in writing.

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- 2) Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, age, sex, or disability).
- 3) Third, it must be filed within 180 days of the alleged discriminatory act, and
- 4) Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance, which has allegedly committed the discriminatory act.

Based on this determination, ECRCO will either accept or reject a complaint for investigation.

OCR has a number of cases pending JR. Although OCR has been making an effort to complete the JRs within 20 days, and has made great progress in this area since 2015, there are a number of older cases still pending jurisdictional review, in addition to newer cases pending JR.

- **Acceptance Letters Ready to be issued**

- 1) **Hawaii Department of Agriculture (DOA) and the Hawaii Agribusiness Development Corporation (ADC) (EPA File # 44RNO-16-R9)**

# Ex. 5 AC/DP

- **Rejection Letters Ready to be Issued**

- 1) **WERA (EPA File # 14R-14-R4)**

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**Ex. 5 AC/DP**

2) Honolulu Wastewater Division (EPA File # 36U-16-R9)

**Ex. 5 AC/DP**

Non-litigation: Other Matters

- Toolkit Roll-Out

**Ex. 5 AC/DP**

- EPA's Community Resource Network -- January Webinar Community Engagement: Working

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**with Limited English Proficient Populations:**

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